

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DELAWARE DEPARTMENT OF
JUSTICE,

Non-Party Below-
Appellant,

v.

ESTATE OF TREVOR R.
MONCRIEF, et al.,

Plaintiffs Below-
Appellees.

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§ No. 637, 2010

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§ Court Below—Superior Court

§ of the State of Delaware

§ in and for Kent County

§ C.A. No. 08C-06-014

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Submitted: October 5, 2010

Decided: October 22, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

ORDER

This 22nd day of October 2010, it appears to the Court that:

(1) The non-party/appellant, the Delaware Department of Justice (“DDOJ”), has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from the September 3, 2010 interlocutory order of the Superior Court Commissioner, which ordered production of portions of a DDOJ criminal file.

(2) The appellant filed its application for certification to take an interlocutory appeal in the Superior Court on September 13, 2010. On September 27, 2010, the Superior Court denied the certification application.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court. In the exercise of its discretion, the Court has concluded that the appellants' application for interlocutory review fails to meet the requirements of Rule 42 and, therefore, should be refused.

NOW, THEREFORE, IT IS ORDERED that the interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice